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4		CLERK, U.S. DISTRICT COURT
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7		CENTRAL DISTRICT OF CALIFORNIA DEPUTY
8	UNITED STATES	DISTRICT COURT
9	CENTRAL DISTRIC	T OF CALIFORNIA
10		
11	UNITED STATES OF AMERICA,)	CASE NO. 2: 09-2326
12	Plaintiff,)	
13	vs.)	ORDER OF DETENTION
14)	
15	Douglas John Fitzgerad,)	
16	Defendant.)	
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18	-	I
19	A. () On motion of the	Government in a case allegedly
20	involving:	
21	1. () a crime of vio	lence.
22	2. () an offense	with maximum sentence of life
23	imprisonment or death.	
24	3. () a narcotics or	controlled substance offense with
25	maximum sentence of ten	or more years.
26	4. () any felony - w	where defendant convicted of two or
27	more prior offenses desc	ribed above.
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1	5. () any felony that is not otherwise a crime of
2	violence that involves a minor victim, or possession or use
3	of a firearm or destructive device or any other dangerous
4	weapon, or a failure to register under 18 U.S.C. § 2250.
5	B. On motion by the Government/ () on Court's own motion,
6	in a case allegedly involving:
7	On the further allegation by the Government of:
8	1. a serious risk that the defendant will flee.
9	2. () a serious risk that the defendant will:
10	a. () obstruct or attempt to obstruct justice.
11	b. () threaten, injure or intimidate a prospective
12	witness or juror, or attempt to do so.
13	C. The Government () is/ is not entitled to a rebuttable
14	presumption that no condition or combination of conditions will
15	reasonably assure the defendant's appearance as required and the
16	safety or any person or the community.
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18	II
19	A. () The Court finds that no condition or combination of
20	conditions will reasonably assure:
21	1. the appearance of the defendant as required.
22	and/or
23	2. the safety of any person or the community.
24	B. () The Court finds that the defendant has not rebutted by
25	sufficient evidence to the contrary the presumption provided by
26	statute.
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1 III 2 The Court has considered: 3 the nature and circumstances of the offense(s) charged, Α. 4 including whether the offense is a crime of violence, a Federal 5 crime of terrorism, or involves a minor victim or a controlled 6 substance, firearm, explosive, or destructive device; 7 the weight of evidence against the defendant; В. 8 C. the history and characteristics of the defendant; and 9 D. the nature and seriousness of the danger to any person or the 10 community. 11 12 IV 13 The Court also has considered all the evidence adduced at the 14 hearing and the arguments and/or statements of counsel, and the 15 Pretrial Services Report/recommendation. 16 17 18 The Court bases the foregoing finding(s) on the following: 19 As to flight risk: 20 21 22 23 24 25 26 /// 27 28

1	B. (V) As to danger:
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3	current allegations
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9	VI
10	A. () The Court finds that a serious risk exists the defendant
11	will:
12	1. () obstruct or attempt to obstruct justice.
13	2. () attempt to/() threaten, injure or intimidate a
14	witness or juror.
15	B. The Court bases the foregoing finding(s) on the following:
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20	VII
21	A. IT IS THEREFORE ORDERED that the defendant be detained prior
22	to trial.
23	B. IT IS FURTHER ORDERED that the defendant be committed to the
24	custody of the Attorney General for confinement in a corrections
25	facility separate, to the extent practicable, from persons
26	awaiting or serving sentences or being held in custody pending
27	appeal.
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1	C. IT IS FURTHER ORDERED that the defendant be afforded
2	reasonable opportunity for private consultation with counsel.
3	D. IT IS FURTHER ORDERED that, on order of a Court of the United
4	States or on request of any attorney for the Government, the
5	person in charge of the corrections facility in which defendant
6	is confined deliver the defendant to a United States marshal for
7	the purpose of an appearance in connection with a court
8	proceeding.
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11	DATED: 10/15/09 SUZANNE H. SEGAL
12	UNITED STATES MAGISTRATE JUDGE
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